

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

RICHARD N. BELL,

Plaintiff,

v.

MARK ARRUDA,

Defendant.

)
)
)
)
)
)
)
)
)

Case No. 1:13-cv-00800-TWP-DKL

ENTRY AND NOTICE

“Before deciding any case on the merits, a federal court must ensure the presence of both subject-matter jurisdiction and personal jurisdiction. . . . [U]nless both subject-matter and personal jurisdiction have been established, a district court must dismiss the suit without addressing the substance of the plaintiff’s claim.” *Kromrey v. U.S. Dept. of Justice*, 423 F. App’x 624, 626 (7th Cir. 2011). Based on the foregoing, it is evident that the Court should not have ruled on the Rule 12(b)(6) portion of the Defendant’s Motion to Dismiss (Dkt. 6). That ruling is now **RESCINDED**, and as a result, (1) Part III.C. of the Entry issued on May 7, 2014 is **VACATED**, and (2) the action is **DISMISSED without prejudice**.

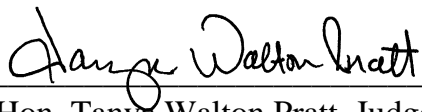
An Amended Judgment consistent with this Entry and Notice shall now issue.

SO ORDERED.

Date: 03/12/2014

DISTRIBUTION:

Richard N. Bell
BELL LAW FIRM
richbell@comcast.net


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

David F. Hurley
HURLEY & HURLEY PC
dhurley@hurley-legal.net